when it can be done without suit.' See also *Reynolds, Admr.* v. *McMullen*, 55 Mich. 568.

"Where, therefore, at the time of the payment by the debtor there is a conflicting grant of letters by the courts of this State, the authorities are unanimous that the foreign administrator is superseded and he has no power to act. *Stone* v. *Scripture*, 4 Lans. 186; *Equitable Life Assur. Socy.* v. *Vogel's Exr.*, 76 Ala. 441; *Pond* v. *Makeplace*, 2 Met. 114."

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TAXATION—SCHOOL PURPOSE—EXEMPTION FROM COUNTY LEVY OF PROPERTY IN TOWNS, MAINTAINING THEIR OWN PUBLIC SCHOOLS.—In *Supervisors* v. *Saltville Land Co.* (3 Va. Sup. Ct. Rep. 451), the Court of Appeals of this State holds that while the legislature has the power to separate a town from the county in which it is situated, and to exempt the property therein from the county levy for road taxes, in consideration of the town's maintaining its own streets, no such power exists with respect to taxation for *school* purposes.

The ground of the decision is that the constitution vests in the several counties the right to lay a tax for school purposes, and hence the legislature has no right to withdraw any district within the county (except an incorporated city, as provided in the constitution) from the jurisdiction of the board of supervisors in the matter of laying taxes for *school* purposes. Va. Const. Art. VIII, sec. 8.

There are doubtless many towns in the State with charter clauses similar to that here construed—towns which have been accustomed to maintain their own public schools, and to lay a tax for that purpose, and to enjoy exemption from the regular county levy for school purposes. As we understand the decision, it maintains the broad principle that the legislature has no power to exempt the property in towns from the regular county levy for school purposes, and hence the property in all these towns is subject to the county levy for school taxes, though they maintain their own schools.

This point seems to us important in another aspect, namely, as affecting the question of the general power of the legislature to exempt property from taxation—a question discussed, but not decided, in *Thomas* v. *Snead*, reported with comments in our last number (*ante*, p. 393): If the legislature does not possess the power, under the Constitution, to exempt from the regular county levy for *school* purposes, property situated in a town which lays its own school taxes and maintains its own public schools—in short, cannot exempt from the county levy property already taxed by the town authorities—what power has the legislature to exempt property (not within the constitutional exceptions), in county, town or city, from taxation *altogether?* The power to tax for *school* purposes is given to the several counties, in language no broader nor more mandatory than the language of sec. 8 of Art. VIII of the Constitution, providing that the legislature "*shall* apply . . . . an annual tax upon the property of the State" for public school purposes. It would seem, therefore, that legislative power to exempt *any* (otherwise taxable) property from taxation for school purposes is wholly wanting.

It would seem further to follow, as of course, that if hereafter the open question as to the power of the legislature to exempt from taxation other property than that used for public, charitable or other benevolent purpose (as mentioned in sec.

3 of Art. X of the Constitution), should be resolved in favor of such power, the doctrine of the principal case would at least require an exception to be made in the case of taxation for public school purposes.

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BANKRUPTCY.—We continue our summary of recent important rulings in bankruptcy.

Referring to our note (ante, page 438) upon *Pirie* v. *Chicago Title and Trust Co.*, 21 Sup. Ct. 906, on the subject of unlawful preferences, we call attention to the following:

*Mortgages:* *In re Sanderson*, 109 Fed. 857, a mortgage was adjudged void as a preference which had been given for a prior indebtedness within four months of the petition in bankruptcy. But a different ruling was made in *In re Davidson*, 109 Fed. 882, where, as to the prior debt, the mortgage was merely substituted for another security given with original debt and surrendered when mortgage executed.

*Chattel Mortgages:* *In re Platts*, 110 Fed. 126, the court avoided a mortgage executed within four months before petition filed, upon a stock of goods, the mortgagor retaining possession and paying expenses and debts out of proceeds.

*Interest:* *In re Kellar*, 110 Fed. 348, where an insolvent, within four months, etc., paid interest in advance for renewals, it was *held* not a preference.

*Claims Paid:* *In re Bashline*, 109 Fed. 965, one was held to have received a preference who within four months, etc., had accepted payment of claims.

*Duty of Creditor Receiving Preference:* In *Dickinson* v. *Security Bank*, 110 Fed. 353, creditor's only duty *held* to be the surrender of the preference in kind, when it consisted of specific property and not cash.

*Deposits in Bank:* *In re Kellar* (*supra*), deposits applied by bank as against an overdraft of bankrupt within four months, etc., *held* a preference.

*Garnishment:* The Bankrupt Act includes voluntary and involuntary proceedings, and a garnishment made within four months of insolvent's adjudication in voluntary proceedings is released. The garnishee may pay the money into the bankrupt court and be protected. *In re McCartney*, 109 Fed. 621.

*Insurance Policy:* *In re Graham*, 109 Fed. 133, where an insurance policy, under which a loss had occurred, had been assigned within four months, etc., *held*, a voidable preference.

PERSONS WITHIN THE BANKRUPT ACT.

*Farmers—Chiefly Engaged:* *In re Mackey*, 110 Fed. 355, this clause of the act was passed upon, and the question whether bankrupt was "chiefly engaged" in farming held to be dependent upon the circumstances. The fact that his time or capital was principally devoted to a certain pursuit not conclusive of question of chief occupation. See also *In re Fly*, 110 Fed. 141.

*Mining Corporations:* *In re Keystone Coal Co.*, 109 Fed. 872, a mining corporation of the class defined, was held not subject to involuntary proceedings.

BANKRUPTCY—MISCELLANEOUS.

*Extra Compensation to Trustee:* An especially important ruling is that of *In re*